(21) "16—1—Huzur Secretariat—Election Commission"

Rao Sahib P. V. Raphael *(Chief Secretary to Government):* Sir, I rise to move for an additional allotment of Rs. 1,500 under "16—1—Huzur Secretariat—Election Commission". This amount is required for meeting the expenses of the Election Commissioners who have been appointed to try an election petition. I request that this may be sanctioned.

Demand put and carried

10. Legislative Business—Government Bills

(1) The Cochin Essential Articles Control and Requisitioning Powers Bill

Mr. P. Govinda Menon *(Minister for Food and Education):* Mr. President, Sir, I move that the Cochin Essential Articles Control and Requisitioning Powers Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

***Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, several essential articles were being requisitioned, commandeered and controlled by this Government during the War years. The requisite power or the requisite authority rather, under which Government were doing it was derived from the Defence of India Act and the rules framed thereunder. The Defence of India Act and the Rules framed thereunder were made applicable to Cochin by a Royal Proclamation, VIII of 1115. Under rule 81A of the Defence of India Rules, several orders were passed by Government from time to time in order to enable Government to requisition and control essential articles. As Hon'ble Members may be aware, by the 30th of September 1946 the Defence of India Act and Rules ceased to be law in British India. The Law Officers of this Government advised this Government that it is not proper to continue the Defence of India Act and the Rules which were made applicable *Mutatis Mutandis* to this State by a Proclamation, after that legislation ceased to be in force in British India. It has, however, become necessary for this Government to have authority to continue the control measures. Although the war was over, you know that it is necessary to continue the control measures because the conditions which existed during the time of the War continue to exist even now. It was, therefore, thought that in lieu of rule 81 of the Defence of India Rules, some other legislation should be placed on the Statute Book. Therefore, the provisions of the legislation now placed before this House were passed by a Proclamation. The several orders which were issued under the authority derived from rule 81 are also sought to be kept in force. These are the main provisions of the Bill before the House and though the Bill was passed by way of a Proclamation, it was thought more in the fitness of things to have the law placed on the Statute Book after regularly carrying it through this House. I pray that this Bill may be supported by every section of this House.

***Mr. K. Balakrishna Menon** *(Cheruthuruthi):* Sir, while I welcome the Bill, I am constrained to observe that certain improvements could have been effected to this Bill, especially in regard to the provision for checking black-marketing, which is a necessary evil in this State. You will find, Sir, that the same matter has been the subject of consideration in the Provincial as well as the Central Legislative Assemblies and one of the points advanced against a similar Bill was the existence of black markets and corruption. We had our experience also, Sir, and there is no gainsaying that there were black markets. Here now you have made in the Bill ample provision to see that those parasites of the public who contravene the provisions of this Bill are brought to book and you have gone to the extent of violating the fundamental principles of criminal law by throwing the burden of proof on the accused. If they happen to be in possession of the controled article it is for them to prove how they happened to be in posseesion of the same. At the same time you ought to have remembered that the officer whom you expect to enforce these rules is also a human being with as much weakness as a member of society. Against him, I ask, what provision is made in the Bill? Well, Sir, you may, as a defence for that, invite my attention to the existence of the recently constituted tribunal for corruption and bribery. If that is so, I can only say the less said about it the better. It would have been much better if you had left us to the provisions of the Penal Code, where, at any rate, we have one advantage and that is there is no question of limitation. Here, you have to put in a verified petition and there is the trumpeting reiteration that if you do not prove it, you in your turn will be prosecuted. If anybody puts in a complaint, he runs the risk of a prosecution unless he is able to prove the complaint put in by him. While that is so, I ask, Sir, is it safe to carry

* Speech not corrected by the Hon'ble Member.

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on with this legislation. Of course, there is no gainsaying that this legislation is salutory; but where is the guarantee that there will be no scope for black marketing? Instead of making any amendment to this Bill or any changes here and there, as in the case of the Central Government I would request you to bring in a Bill for creating a special Police Force for the purpose of detecting bribery and corruption. The total expenses for running the establishment could easily be met from the fines that may be realised. You can bring in a separate Bill and that will serve the purpose.

The next point about which I wish to say a few words is that in the schedule attached to the Bill yous hould have been more particular in defining the articles which would come within the province of the term food stuffs. I wish to make a reference regarding this for this reason. You will see that cocoanut in our place is an essential article, equally as important as rice, I will say, more important because rice is not so much available; and yet we find that there is no control enforced in regard to it. Not only cocoanuts but also cocoanut oil. You will appreciate, Sir, that we had been getting in sufficient quantity ofrice and when it is attempted now to be substituted by wheat, tapioca, etc., cocoanut oil is more than an article of necessity and today you cannot afford to get it even by paying 12 annas. And there is no guarantee that it is good; it is all adulterated. Now that being the case, I put it to the mover of the Bill that he should make it a point to see that this article is immediately brought within the purview of the Bill and this can be easily done by amending the Schedule. With these remarks, I welcome the Bill.

*Mr. P. Govinda Menon *(Minister for Food and Education):* Sir, the Hon'ble Member raised three points in his observations—I do not say opposition—about the Bill. The first point was that the fundamental principle of Criminal Law has been violated in that the burden of proof is on the person in possession of the contraband article. Now with regard to the remarks about the corruption.....

Mr. K. Balakrishna Menon *(Cheruthuruthi):* My complaint is with regard to the officer also. I never advanced it as an argument.

*Mr. P. Govinda Menon *(Minister for Food and Education):* Anyhow you made a remark. I am equally anxious as any other Member of this House to see that the fundamental rules of Criminal Law should not be violated by any emergency legislation. But as the House is aware, even before this legislation came, there was some legislation in this State under which similar provisions existed ; for example under the Opium Act if somebody is found to be in possession of opium, it is for that man to explain how he came to be in possession of that article. Almost similarly, if controlled articles or prohibited articles are found in the possession of a certain man, it is for him to explain how he came into possession of the same. Anyhow my friend the Hon'ble Member for Cheruthuruthi ; does not make a point of it.

With respect to his observations about the corruption tribunal, I have nothing to say because with the utmost respect to my Hon'ble friend it has nothing to do with this Bill.

Then regarding the control, requisitioning, distribution and rationing of cocoanut oil and other products, in fact, under the powers vested in Government by this Bill, that can be done ; and I can assure the Hon'ble Member that the question is engaging the attention of Government. Even under the provisions of this Bill, it can be done and the Schedule need not be amended for this purpose.

Mr. K. Balakrishna Menon *(Cheruthuruthi):* You have got the Cochin Penal Code.

*Mr. P. Govinda Menon *(Minister for Food and Education):* You cannot book a man who is in possession of paddy in excess of the quantity allowed to him under the ration card under the Penal Code. The Penal Code will not be of any avail and special legislation is required for that. For the control of cocoanut and cocoanut oil, a special legislation like this is absolutely necessary. The observations made by the Hon'ble Member will be borne in mind by Government and as a matter of fact, the question of the control of cocoanut and cocoanut oil is engaging the attention of Government.

Motion put and carried

Secretary to the Council : The title of the Bill is the Cochin Essential Articles Control and Requisitioning Powers Bill.

* Speech not corrected by the Hon'ble Member.

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Mr. P. Govinda Menon *(Minister for Food and Education):* I pray that S. O. No. 32 may be suspended and the Bill may be allowed to be taken up for consideration.

Mr. President: The Standing Order is suspended.

Mr. P. Govinda Menon *(Minister for Food and Education):* I move that the Bill be taken up for consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Clauses 2 to 18 put and carried

Schedule put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. P. Govinda Menon *(Minister for Food and Education):* Sir, I move that the Bill be taken up and finally passed tomorrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried.

(2) The Cochin Buildings (Lease and Rent Control) Bill

Mr. C.R. Iyyunni *(Minister for Revenue):* Sir, I move that the Cochin Buildings (Lease and Rent Control) Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

*Mr. C. R. Iyyunni *(Minister for Revenue):* Mr. President; Sir, this is also a measure that is brought to this Council for passing. Even though the War has ended, the conditions are prevalent as if the War has not ended. There were the Defence of India Act and the Rules framed thereunder. They have ended by the close of September 1946. The Cochin House Rent Control Order and the Non-Residential Buildings Control Order have ceased to function by the end of September 1946. If these two Orders are not in force, there is not the slightest doubt that there will be a lot of difficulty caused to the people to control the rent and prevent unreasonable evictions. Those conditions still exist as a result of which the Royal Proclamation was issued just before the end of September 1946. Now, it will be only in the fitness of things after the Ministry is formed that the matter engages the attention of the Legislature, instead of having it as a Proclamation. It will not be proper that the Proclamation should continue when there is a session of the Council running, and therefore it has been brought to this House for its acceptance.

There is some little difference between the provisions in the Proclamation and the Bill as now brought. The provisions of the Proclamation as then stood were more or less the provisions that were contained in the Madras Bill. Subsequently the Bill that was pending, there went into the hands of the Select Committee and the Select Committee had made certain recommendations which were accepted and those provisions have been incorporated in the draft Bill now before you. The conditions in Cochin are more or less similar to those prevailing in the Province of Madras and therefore the increase in the percentage has been modelled on the lines of the provisions contained in the Madras Bill which has become law there. The only difference between the Madras Act and our Bill is that in the Madras Act, there is no power of review. Here, from experience, it is seen that mistakes are committed by the Controller and the Appellate authority.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* By our officers!

Mr. C. R. Iyyunni *(Minister for Revenue):* Yes. To err is human. I think you do not understand it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Is it so?

Mr. C. R. Iyyunni *(Minister for Revenue):* So a provision has been made here, giving the power of review, to the Controller and the Appellate authority. I request that this Bill be supported by all the Members of this House.

മിസ്റ്റർ പ്രസിഡന്റ്: കെ. വാസുണ്ണി: വരാൻ ഉദ്ദേശിക്കുന്നതായി ബഹുമാനപ്പെട്ട മന്ത്രിക്ക് അറിയാമായിരുന്നില്ല? ബഹുമാനപ്പെട്ട മന്ത്രിമാർക്ക് താമസിക്കുന്നതിനുവേണ്ടി ഗവൺമെ

*Speech not corrected by the Hon'ble Minister.

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18. ,, 400—0—0 under "33—Industries—Travelling allowance".
19. ,, 4,434—0—0 ,, "34—Industries—(transferred) Cherpu Centre—Other charges".

All the above itmes were passed without comment.

20. Rs. 73,315—0—0 under "38—Income-tax".

When this grant came up for discussion, Mr. P. Achyuta Menon took objection to the appointment of the officers just one or two days before the Ministers took charge.

The item was passed with the above remark.

21. Rs. 6,753—0—0 under "39—Labour".

The item was passed without comment.

The meeting terminated at 12-20 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

APPENDIX IV

THE COCHIN ESSENTIAL ARTICLES CONTROL AND REQUISITIONING POWERS BILL

Whereas it is expedient to p ovide temporarily for the continuance of powers to control the production, supply, distribution, transport and prices of essential articles and trade and commerce in such articles and requsitioning of property movable and immovable; It is hereby enacted as follows.—

1. *Short title, extent and commencement.*— (1) This Act may be called the Cochin Essential Articles Control and Requisitioning Powers Act of 112 .

(2) It extends to the whole of Cochin State.

(3) It shall come into force on such date as Government may by notification in the Cochin Government Gazette specify in this behalf.

(4) It shall remain in force until such time as Government may by notification in the Cochin Government Gazette determine.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Essential article" means any of the articles which is specified in the Schedule to this Act and any other article which may be declared by Government by notification in the Cochin Government Gazette to be an essential article.

(*b*) "undertaking" means any undertaking by way of any trade or business and includes the occupation of handling, loading or unloading goods in the course of transport.

3. *Powers to control production, supply, distribution, transport and prices of essential articles.*—(1) Government, so far as it appears to them to be necessary or expedient for maintaining, increasing or securing supplies of essential articles or for arranging for their equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, may by order published in the Cochin Government Gazette provide for regulating or prohibiting the production, supply, distribution and transport of essential articles and trade and commerce in such articles.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made therunder may provide—

(*a*) for regulating by licences, permits or otherwise the production or manufacture of any essential article;

(*b*) for controlling the prices or rates at which any essential article may be bought or sold;

(c) for regulating or prohibiting by licenses, permits or otherwise the storage, distribution, transport, disposal acquisition, use or consumption of any essential article;

(*d*) for prohibiting the withholding from sale of any essential article ordinarily kept for sale;

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(*e*) for requiring any person holding stocks of an essential article to sell them at fair prices to specified persons or class of persons or in specified circumstances;

(*f*) for regulating or prohibiting any class of commercial or financial transactions relating to any essential article, which in the opinion of Government are, or if unregulated are likely to be, detrimental to the public interest;

(*g*) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(*h*) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential article to declare their stocks of essential articles, to maintain and allow inspection of or produce for inspection any books, accounts and records relating to their business, and to furnish any other information relating thereto;

(*i*) for regulating the processing of any essential article;

(*j*) for exercising over the whole or any part of an existing undertaking, such functions of control and subject to such conditions, as may be specified in the order; and

(*k*) for any incidental and supplementary matters including in particular the entering and search ofpremises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any article in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

4. *Powers of requisitioning and acquisition.*—(1) If, in the opinion of Government it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging for its equitable distribution and availability at fair prices or for directing, maintaining, storing or increasing the production of any essential article, or for maintaining services essential to the life of the community or for providing accommodation for officers or servants of Government or for the holding of public offices Government may by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connection with such requisitioning:

Provided that no property used for the purpose of religious worship shall be requisitioned under this section.

(2) Where Government have requisitioned any property under sub-section (1), they may use or deal with the property in such manner as may appear to them to be expedient and may acquire it by serving on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, by publishing in the Cochin Government Gazette, a notice stating that Government have decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the property or is published in the Cochin Government Gazette under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in Government free from all encumbrances and the period of requisition thereof shall end.

(4) Notwithstanding the expiration of the Defence of India Act and Rules issued thereunder and notwithstanding the expiration of any period specified in the order of requisitioning any property movable or immovable which immediately before the commencement of this Act was subject to any requisition effected under the Defence of India Act and Rules as made applicable to Cochin by Proclamation VIII of 1115, shall continue to be subject to requisition until he expiry of this Act unless released from requisition under section 6.

5. *Payment of compensation.*—(1) Whenever in pursuance of section 4 any movable property is requisitioned or acquired, the compensation payable therefor and the person or persons to whom it should be paid shall be determined in accordance with the rules to be made in this behalf by Government.

(2) Whenever in pursuance of section 4, any immovable property is requisitioned or acquired, there shall be paid compensation de ermined in the manner and in accordance with the principles hereinafter set out, that is to say.—

(*a*) Where the amount of compensation can be fixed by agreement it shall be paid in accordance with such agreement.

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(*b*) Where no such agreement can been reached, Government shall appoint an arbitrator.

(*c*) At the commencement of the proceedings before the arbitrator, Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(*d*) The arbitrator in making his award shall have regard to—

(*i*) the provisions of sub-section (1) of section 22 of the Cochin Land Acquisition Act, II of 1070, so far as the same can be made applicable, and

(*ii*) whether the acquisition is of a permanent or temporary character:

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connection with such acquisition, shall for the purposes of the provisions of the said section 22 take into consideration the market value of the property at the date of requisition as aforesaid and not at the date of its subsequent acquisition.

(*e*) An appeal shall lie to the High Court against the award of an arbitrator where the value of the subject matter in dispute in appeal is Rs. 500 and above.

Explanation.—In the case of periodical payments, the value of the subject matter in appeal shall be deemed to be five times the amount in dispute calculated for one year.

(*f*) Save as provided in this section and in any rules made under this Act, nothing in any law for the time being in force Melating to arbatration shall apply to arbitrations under this sections.

(3) Government may, with a view to requisitioning or acquiring any property under section 4, by order—

(*a*) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;

(*b*) direct that the owner, occupier or person in possession of the property shall not without the permission of Government, dispose of it or where the property is a building, structurally alter it or where the property is movable, remove it from the premises in which it is kept until the expiry of such period as may be specified in the order.

6. *Release from requisition.*—(1) Where any property requisitioned by an order under sub-section (1) of section 4 or which continues to be subject to requisition under sub-section (4) of section 4 of this Act is to be released from such requisition, Government or any person generally or specially authorised by them in this behalf may, after such inquiry, if any, as they or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by a due process of law to enforce against the person to whom possession of the property is given.

7. *Control of Agriculture.*—(1) Government so far as it appears to be necessary or expedient for maintaining, increasing or securing the supply of essential articles may by order published in the Cochin Government Gazette provide—

(*a*) for prohibiting, restricting or otherwise controlling the cultivation of specified crops;

(*b*) for bringing under cultivation any waste or arable land whether appurtenant to a building or not, and for the growing therein of specified crops.

(2) If, in the opinion of Government, the person in possession or having effective control of any land to which an order made under sub-section (1) applies has failed to comply with the order, Government may without prejudice to any other action that may be taken against that person (hereinafter referred to as "defaulter") in respect of the contravention, by order direct that the land shall be placed in the exclusive possession of such person and for such period as may be specified in the order and during the period of continuance of the last mentioned order, the person specified therein shall have all the rights of the defaulter to manage the land and to realise the profits arising therefrom and shall only be liable to pay on behalf of the defaulter the Government land revenue, all other charges of a public nature and the rent, if any, accruing due in respect of the land during that period.

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8. *Delegation of powers.*—(1) Government may by order published in the Cochin Government Gazette authorise any officer or authority subordinate to Government, to exercise any one or more of the powers vested in them by or under this Act except the power mentioned in section 18 in relation to such matters and subject to such restrictions and conditions, if any, as may be specified in the order.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by Government or such persons as may be empowered by them in that behalf. Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

9. *Continuance in force of existing orders.*— (1) Evey rule or order made by Government or any other competent authority under any of the provisions of the Defence of India Act and Rules as made applicable to Cochin by Proclamation VIII of 1115 or the Cochin Essential Articles Control and Requistioning powers Proclamation, III of 1122, in respect of any of the matters specified in sections 3, 7 and 18 which was in force immediately before the commencement of this Act shall continue in force as if it has been made by Government under the provisions of this Act until it is superseded or modified by the competent authority under the provisions of this Act. All appointments made, licences or permits issued, regulations made and directions given under any such order shall also continue in force until superseded or modified by the competent authority.

(2) Government may, if they consider it expedient so to do, from time to time, modify or annul any order, appointment, licence, permit, regulation or direction specified in sub-section (1).

10. *Effect of orders in consistent with other enactments.*—Any order made under section 3 or section 4 or section 7 or continued under section 9 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

11. *Penalties.*—(1) If any person contravenes any order made under section 3 or section 4 or section 7 or continued under section 9, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both; and, if the order so provides, any court trying such contravention may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to Government:

Provided that where the contravention is of an order relating to an essential article which contains an express provision in this behalf, the court shall make such direction unless for reasons to be recorded in writing, it is of opinion that the direction should not be made in respect of the whole or, as the case may be, a part of the property.

(2) Where any essential article is seized under the authority of an order made under this Act and such order provides for the forfeiture of the article in respect of which the order has been contravened, such forfeiture may whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Diwan Peishkar and any forfeiture so adjudged shall, subject only to an appeal which shall lie to Government, be final:

Provided that an adjudication of forfeiture under this sub-section shall be no bar to the prosecution or punishment of any person under sub-section (1).

(3) Notwithstanding anything contained in section 18 of the Code of Criminal Procedure, II of 1086, it shall be lawful for any Magistrate of the first class specially empowered by Government in this behalf and for the District Magistrate to pass a sentence of fine exceeding Rs, 1,000 on any person convicted of contravening an order made under this Act or continued under section 9.

(4) If any person to whom any provision of any order made under this Act or continued under section 9 relates, or to whom any such provision is addressed or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates—

(*a*) fails without lawful authority or excuse himself, or in respect of any land, building vehicle, vessel or other thing of which he is in occupation, possession or control to comply, or to secure compliance, with such provision, or

(*b*) evades, or attempts to evade, by any means, such provision.

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he shall be deemed to have contravened such provision; and in this Act the expression "contravention" with its gramatical variations includes any such failure, evasion or attempt to evade.

12. *Abetment and assistance of contravention.*—Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under this Act or continued under section 9 shall be deemed to have contravened the order, and any person who knowing or having reasonable cause to believe that any other person is contravening any order made under this Act or continued under section 9 gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.

13. *Offences by corporations.*—If the person who contravenes or is deemed to contravene an order made under section 3, section 4 or section 7 or continued under section 9 is a company or other body corporate, every director, manager secretary or other officer or agent thereof shall, unlesss he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

14. *Cognisance of offences.*—No court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 15 of the Cochin Penal Code, I of 1059.

15. *Burden of proof.*—Where any person is prosecuted contravening any order made under this Act or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.

16. *Saving as to orders.*—(1) No court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.

Nothing contained in this section shall be deemed to prevent the court from granting in the suit any relief by way of compensation to which the party may be entitled.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act as made applicable to Cochin presume that such order was so made by that authority.

17. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3, section 4 or section 7 or continued under section 9.

(2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3, section 4 or section 7 or continued under section 9.

18. *Power to make rules.*—(1) Government may, be notification in the Cochin Government Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the procedure to be followed in arbitrations under this Act;

(*b*) the principles to be followed in apportioning costs of proceedings before the arbitrator and on appeal.

THE SCHEDULE

[See section 2(a)]

1. Food-stuffs including edible oil seeds and oils.
2. Cotton, silk and woollen textiles.
3. Paper including newsprint.
4. Petroleum and petroleum products.

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5. Spare parts of mechanically propelled vehicles.
6. Coal.
7. Iron and Steel.
8. Mica.
9. Firewood.
10. Charcoal.
11. Livestock.
12. Eggs.
13. Fish.
14. Non-edible oil seeds.
15. Manures.
16. Electrical Energy.
17. All vat dyes.
18. Alazarine.
19. Other dyes used for textile printing.
20. Artificial silk yarn.
21. Motor vehicles (new or used).
22. Fruits.
23. Vegetables.
24. Cattle fodder.

Statement of Objects and Reasons

The Defence of India Act, the Defence of India Rules and the Control Orders issued thereunder expired on the 30th September 1946 in British India and the Proclamation which made the same applicable to this State has also terminated. In spite of the termination of the War, it is very essential that the power to control production, supply and distribution of essential articles and trade and commerce therein, should continue to vest in Government for some time longer as otherwise the general economic system and the welfare of the State are likely to be seriously affected. The Government therefore considered that they should possess the power to continue the existing controls subject to relaxation or modification as circumstances render it permissible. Incidental powers, such as, requisitioning of property, movable or immovable, control over undertakings and the like are also necessary for the effective enforcement of the control.

Accordingly along with the termination of the Defence of India Act as made applicable to Cochin by Proclamation VIII of 1115, the Cochin Essential Articles Control and Requisitioning Powers Proclamation, III of 1122, was issued on the lines of a similar measure enacted in Madras and other British Indian Provinces and States with a view to collaborate with the rest of India in working the controls. This Bill seeks to replace that Proclamation by a measure passed through the Legislature.

APPENDIX V

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) BILL

(An Act to require employers in industrial establishments formally to define conditions of employment under them)

WHEREAS it is expedient to require employers in industrial establishments to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them ;

It is hereby enacted as follows :—

1. *Short title, extent and application.*—(1) This Act may be called the Industrial Employment (Standing Orders) Act, of 1122.

(2) It extends to the whole of Cochin State.

(3) It applies to every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding twelve months, and to such class or classes of other industrial establishments as the Government may from time to time, by notification in the Cochin Government Gazette, specify in this behalf.

2. *Interpretation.*—In this Act, unless there is anything repugnant in the subject or context,

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